

Notice of Allowability

Application No.

10/765,964

Examiner

Daniel S. Metzmaier

Applicant(s)

MINEMURA ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 12 July 2007 & interview of 19 Sept. 2007.
2. ☒ The allowed claim(s) is/are 1-3 and 9-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/20/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

Claims 1-3 and 9-11 are allowed.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul D. Pyla (Reg # 59,228, See Form PTO/SB/84 filed 20 September 2007) on 20 September 2007.

The application has been amended as follows:

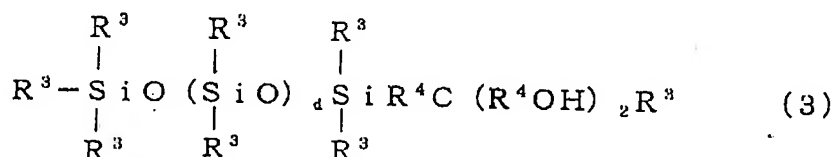
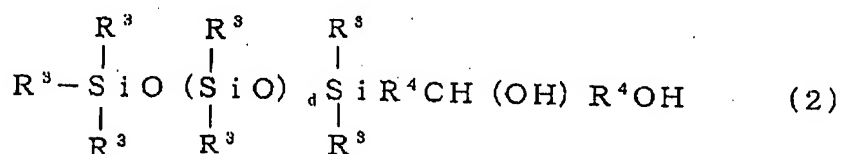
Replace all previous claim lists with the following claim list beginning on page 3 of this examiner's amendment.

Begin claim amendments

1. (Currently amended) A dilatant fluid composition comprising:

(A) 100 parts by weight of an inorganic fine particle having a primary particle size of from 2 nm to 30 μm ;

(B) 0.5 to 100 parts by weight of a particle dispersing agent which is a polysiloxane diol represented by the general formula (2) or (3)



wherein each R^3 independently represents a C_{1-8} alkyl group or an aryl group having up to 8 carbon atoms, each R^4 independently represents a divalent group or a divalent substituent group having an ester bond or an ether bond, and d is an integer of $1 \leq d \leq 1000$; and

(C) 5 to 1000 parts by weight of a cyclic or linear dimethyl silicone oil or methyl phenyl silicone oil distinct from (B).

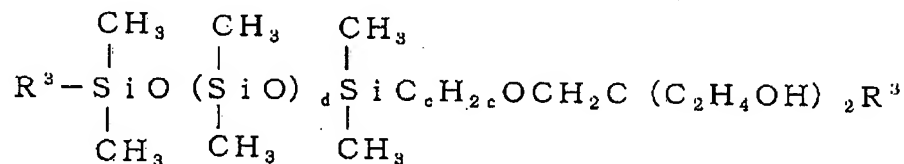
2. (original) The dilatant fluid composition described in claim 1, wherein the inorganic fine particle of the component (A) is an inorganic particle having a primary particle size of from 2 to 50 nm.

3. (original) The dilatant fluid composition described in claim 1 or 2, wherein the inorganic fine particle of the component (A) is silica.

4. - 7. (cancelled).

8. (cancelled).

9. (previously presented) The dilatant fluid composition of claim 1, wherein the particle dispersing agent of component (B) is a silicone oil having a hydroxyl group at one terminal therefore represented by the formula



wherein R^3 represents a C_{1-8} alkyl group or an aryl group having up to 8 carbon atoms, c is an integer of $2 \leq c \leq 5$, and d is an integer of $1 \leq d \leq 1000$.

10. (previously presented) The dilatant fluid composition of claim 9, wherein the inorganic fine particle of the component (A) is an inorganic particle having a primary particle size of from 2 to 50 nm.

11. (previously presented) The dilatant fluid composition of claim 9 or 10, wherein the inorganic fine particle of component (A) is silica.

12. (cancelled).

End claim amendments

Reasons for allowance

2. The following is an examiner's statement of reasons for allowance: this examiner's amendment is made to make the claims read more clearly and finds basis at least in the instant examples.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

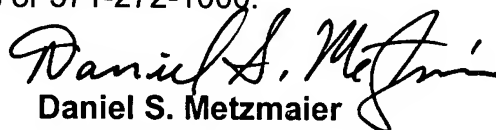
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1712

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Daniel S. Metzmaier
Primary Examiner
Art Unit 1712

DSM